

STATE OF CALIFORNIA  
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

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In the Matter of Permit 17579 Application 5647-B

**Amador County Water Agency**

ORDER APPROVING EXTENSION OF TIME AND AMENDING THE PERMIT

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SOURCE:   (1) Bear River tributary to North Fork Mokelumne River  
              (2) North Fork Mokelumne River tributary to Mokelumne River  
              (3) Antelope Creek tributary to Mill Creek thence North Fork Mokelumne River  
COUNTY:   Amador

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**WHEREAS:**

1.    Permit 17579 was issued to Amador County Water Agency on March 22, 1979 pursuant to Application 5647-B.
2.    A petition for an extension of time within which to develop the project and apply the water to the proposed use was filed with the State Water Resources Control Board (SWRCB) on December 1, 2000.
3.    The permittee has proceeded with diligence and good cause has been shown for extension of time. Public notice of the request for extension of time was issued on January 30, 2001 and no protests were received.
4.    The SWRCB has determined that the petition for extension of time does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water.
5.    The permit term relating to the continuing authority and water quality objectives of the SWRCB should be updated to conform to Section 780 (a & b), Title 23 of the California Code of Regulations.

6. Fish, wildlife, and plant species have been or may be listed under the federal Endangered Species Act and/or the California Endangered Species Act. A term should be placed in the permit making the permittee aware of possible obligations resulting from these acts.

**NOW, THEREFORE, IT IS ORDERED THAT PERMIT 17579 IS AMENDED TO READ AS FOLLOWS:**

1. Condition 8 of the permit be amended to read:

Construction work and complete application of the water to the authorized use shall be prosecuted with reasonable diligence and completed by December 31, 2011.

(0000009)

2. The continuing authority condition, shall be updated to read as follows:

Pursuant to California Water Code sections 100 and 275 and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the SWRCB in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the SWRCB may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirement for the authorized project. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the SWRCB also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the SWRCB determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution article X, section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

3. The water quality objectives condition, shall be updated to read as follows:

The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the SWRCB if, after notice to the permittee and an opportunity for hearing, the SWRCB finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the SWRCB finds that: (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

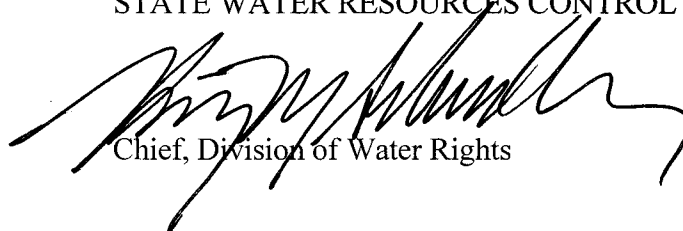
4. Permit 17579 is amended to include the following Endangered Species condition.

This permit does not authorize any act which results in the taking of a threatened or endangered species or any act which is now prohibited, or becomes prohibited in the future, under either the California Endangered Species Act (Fish and Game Code sections 2050 to 2097) or the federal Endangered Species Act (16 U.S.C.A. sections 1531 to 1544). If a "take" will result from any act authorized under this water right, the permittee shall obtain authorization for an incidental take prior to construction or operation of the project. Permittee shall be responsible for meeting all requirements of the applicable Endangered Species Act for the project authorized under this permit.

(0000014)

**Dated: MAY 10 2001**

STATE WATER RESOURCES CONTROL BOARD



Chief, Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17579

Application 5647-B of Amador County Water Agency  
c/o Adolph Moskvitz, Suite 835, 555 Capitol Mall, Sacramento, California 95814

filed on July 30, 1927, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

1. Bear River	North Fork Mokelumne River
2. North Fork Mokelumne River	Mokelumne River
3. Antelope Creek	Mill Creek thence
	North Fork Mokelumne River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridan
1. E1950 ft from SW Corner of Section 18	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	18	8N	16E	MD
2. N900 ft and W500 ft from SE Corner of Section 23	SE $\frac{1}{4}$ of SE $\frac{1}{4}$	23	7N	13E	MD
3. N79°30'E, 6700 ft from SW Corner of Section 15	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	14	7N	13E	MD

County of Amador

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridan	Acres
Municipal	Within the boundaries of					
	the Amador County Water					
	Agency in T6N, R12E; T7N, R12E;					
	and T7N, R13E; MDB&M					

The place of use is shown on map filed with the State Water Resources Control Board.

5. THE WATER APPROPRIATED SHALL BE LIMITED TO THE QUANTITY WHICH CAN BE BENEFICIALLY USED AND SHALL NOT EXCEED: (A) BY DIRECT DIVERSION: (1) 3 CUBIC FEET PER SECOND FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR FROM NORTH FORK MOKELUMNE RIVER NOT TO EXCEED 1,150 ACRE-Feet PER ANNUM (2) 0.67 CUBIC FOOT PER SECOND FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR FROM ANTELOPE CREEK NOT TO EXCEED 279 ACRE-Feet PER ANNUM; (B) BY STORAGE 1,600 ACRE-Feet TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO JULY 15 OF THE SUCCEEDING YEAR FROM BEAR RIVER. THE TOTAL AMOUNT OF WATER TO BE TAKEN FROM ALL SOURCES WHETHER BY DIRECT DIVERSION OR REDIVERSION FROM STORAGE SHALL NOT EXCEED 1,150 ACRE-Feet PER WATER YEAR FROM OCTOBER 1 TO SEPTEMBER 30.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

6. THE AMOUNT AUTHORIZED FOR APPROPRIATION MAY BE REDUCED IN THE LICENSE IF INVESTIGATION WARRANTS.

7. SAID CONSTRUCTION WORK SHALL BE COMPLETED ON OR BEFORE DECEMBER 1, 1979.

8. COMPLETE APPLICATION OF THE WATER TO THE PROPOSED USE SHALL BE MADE ON OR BEFORE DECEMBER 1, 2000.

9. PROGRESS REPORTS SHALL BE SUBMITTED PROMPTLY BY PERMITTEE WHEN REQUESTED BY THE STATE WATER RESOURCES CONTROL BOARD UNTIL LICENSE IS ISSUED.

10. PERMITTEE SHALL ALLOW REPRESENTATIVES OF THE STATE WATER RESOURCES CONTROL BOARD AND OTHER PARTIES AS MAY BE AUTHORIZED FROM TIME TO TIME BY SAID BOARD, REASONABLE ACCESS TO PROJECT WORKS TO DETERMINE COMPLIANCE WITH THE TERMS OF THIS PERMIT.

11. PURSUANT TO CALIFORNIA WATER CODE SECTIONS 100 AND 275, ALL RIGHTS AND PRIVILEGES UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO, INCLUDING METHOD OF DIVERSION, METHOD OF USE, AND QUANTITY OF WATER DIVERTED, ARE SUBJECT TO THE CONTINUING AUTHORITY OF THE STATE WATER RESOURCES CONTROL BOARD IN ACCORDANCE WITH LAW AND IN THE INTEREST OF THE PUBLIC WELFARE TO PREVENT WASTE, UNREASONABLE USE, UNREASONABLE METHOD OF USE, OR UNREASONABLE METHOD OF DIVERSION OF SAID WATER.

THE CONTINUING AUTHORITY OF THE BOARD MAY BE EXERCISED BY IMPOSING SPECIFIC REQUIREMENTS OVER AND ABOVE THOSE CONTAINED IN THIS PERMIT WITH A VIEW TO MINIMIZING WASTE OF WATER AND TO MEETING THE REASONABLE WATER REQUIREMENTS OF PERMITTEE WITHOUT UNREASONABLE DRAFT ON THE SOURCE. PERMITTEE MAY BE REQUIRED TO IMPLEMENT SUCH PROGRAMS AS (1) REUSING OR RECLAIMING THE WATER ALLOCATED; (2) USING WATER RECLAIMED BY ANOTHER ENTITY INSTEAD OF ALL OR PART OF THE WATER ALLOCATED; (3) RESTRICTING DIVERSIONS SO AS TO ELIMINATE AGRICULTURAL TAILWATER OR TO REDUCE RETURN FLOW; (4) SUPPRESSING EVAPORATION LOSSES FROM WATER SURFACES; (5) CONTROLLING PHREATOPHYTIC GROWTH; AND (6) INSTALLING, MAINTAINING, AND OPERATING EFFICIENT WATER MEASURING DEVICES TO ASSURE COMPLIANCE WITH THE QUANTITY LIMITATIONS OF THIS PERMIT AND TO DETERMINE ACCURATELY WATER USE AS AGAINST REASONABLE WATER REQUIREMENTS FOR THE AUTHORIZED PROJECT. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD DETERMINES, AFTER NOTICE TO AFFECTED PARTIES AND OPPORTUNITY FOR HEARING, THAT SUCH SPECIFIC REQUIREMENTS ARE PHYSICALLY AND FINANCIALLY FEASIBLE AND ARE APPROPRIATE TO THE PARTICULAR SITUATION.

12. THE QUANTITY OF WATER DIVERTED UNDER THIS PERMIT AND UNDER ANY LICENSE ISSUED PURSUANT THERETO IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD IF, AFTER NOTICE TO THE PERMITTEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

13. THIS PERMIT IS SUBJECT TO THE AGREEMENT DATED AUGUST 23, 1977 AND SUPPLEMENTARY AGREEMENT DATED MARCH 14, 1978 BETWEEN PERMITTEE, EAST BAY MUNICIPAL UTILITY DISTRICT, COUNTY OF AMADOR, AND PIONEER COMMUNITY SERVICES DISTRICT; TO THE AGREEMENT DATED MARCH 13, 1978 BETWEEN PERMITTEE AND JACKSON VALLEY IRRIGATION DISTRICT; AND TO THE AGREEMENT DATED JANUARY 17, 1978 BETWEEN PERMITTEE, THE DEPARTMENT OF FISH AND GAME, AND PACIFIC GAS AND ELECTRIC, TO THE EXTENT SUCH AGREEMENTS COVER MATTERS WITHIN THE BOARD'S JURISDICTION. THE PERMITTEE SHALL SUPPLY THE BOARD WITH A COPY OF ANY FUTURE AGREEMENTS OR AMENDMENTS TO AGREEMENTS THAT MAY AFFECT THIS PERMIT.

14. IN ACCORDANCE WITH SECTION 1603 AND/OR SECTION 6100 OF THE FISH AND GAME CODE, NO WATER SHALL BE DIVERTED UNDER THIS PERMIT UNTIL THE DEPARTMENT OF FISH AND GAME HAS DETERMINED THAT MEASURES NECESSARY TO PROTECT FISHLIFE HAVE BEEN INCORPORATED INTO THE PLANS AND CONSTRUCTION OF SUCH DIVERSION. THE CONSTRUCTION, OPERATION, OR MAINTENANCE COSTS OF ANY FACILITY REQUIRED PURSUANT TO THIS PROVISION SHALL BE BORNE BY THE PERMITTEE.

15. NO WATER SHALL BE USED UNDER THIS PERMIT UNTIL THE PERMITTEE HAS FILED A REPORT OF WASTE DISCHARGE WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, 5B REGION, PURSUANT TO WATER CODE SECTION 13260, AND THE REGIONAL BOARD OR STATE WATER RESOURCES CONTROL BOARD HAS PRESCRIBED WASTE DISCHARGE REQUIREMENTS OR HAS INDICATED THAT WASTE DISCHARGE REQUIREMENTS ARE NOT REQUIRED. THEREAFTER, WATER MAY BE DIVERTED ONLY DURING SUCH TIMES AS ALL REQUIREMENTS PRESCRIBED BY THE REGIONAL BOARD OR STATE BOARD ARE BEING MET. NO DISCHARGES OF WASTE TO SURFACE WATER SHALL BE MADE UNLESS WASTE DISCHARGE REQUIREMENTS ARE ISSUED BY A REGIONAL BOARD OR THE STATE BOARD. A DISCHARGE TO GROUND WATER WITHOUT ISSUANCE OF A WASTE DISCHARGE REQUIREMENT MAY BE ALLOWED IF AFTER FILING THE REPORT PURSUANT TO SECTION 13260:

(1) THE REGIONAL BOARD ISSUES A WAIVER PURSUANT TO SECTION 13269, OR

(2) THE REGIONAL BOARD FAILS TO ACT WITHIN 120 DAYS OF THE FILING OF THE REPORT.

NO REPORT OF WASTE DISCHARGE PURSUANT TO SECTION 13260 OF THE WATER CODE SHALL BE REQUIRED FOR PERCOLATION TO THE GROUND WATER OF WATER RESULTING FROM THE IRRIGATION OF CROPS.

16. BEFORE MAKING ANY CHANGE IN THE PROJECT DETERMINED BY THE STATE WATER RESOURCES CONTROL BOARD TO BE SUBSTANTIAL, PERMITTEE SHALL SUBMIT SUCH CHANGE TO THE BOARD FOR ITS APPROVAL IN COMPLIANCE WITH WATER CODE SECTION 10504.5(A).

**This permit is issued and permittee takes it subject to the following provisions of the Water Code:**

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MARCH 22 1979

STATE WATER RESOURCES CONTROL BOARD

*M. A. Campos*  
Chief, Division of Water Rights